

AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4909
OFFERED BY MR. POE OF TEXAS

At the end of subtitle E of title XII, add the following:

1 **SEC. 1256. MEASURES AGAINST PERSONS INVOLVED IN AC-**
2 **TIVITIES THAT VIOLATE ARMS CONTROL**
3 **TREATIES OR AGREEMENTS WITH THE**
4 **UNITED STATES.**

5 (a) IMPOSITION OF MEASURES.—

6 (1) IN GENERAL.—Except as provided in sub-
7 section (c), on and after the date that is 90 days
8 after the date of the enactment of this Act, the
9 President shall impose the measures described in
10 subsection (b) with respect to—

11 (A) a person the President determines—

12 (i)(I) is an individual who is a citizen,
13 national, or permanent resident of a coun-
14 try described in paragraph (2); or

15 (II) is an entity organized under the
16 laws of a country described in paragraph
17 (2); and

1 (ii) has engaged in any activity that
2 contributed to or is a significant factor in
3 the President's or the Secretary of State's
4 determination that such country is not in
5 full compliance with its obligations as fur-
6 ther described in paragraph (2); and

7 (B) a person the President determines has
8 provided material support to a person described
9 in subparagraph (A).

10 (2) COUNTRY DESCRIBED.—A country de-
11 scribed in this paragraph is a country that the
12 President or the Secretary of State has determined,
13 in the most recent annual report submitted to Con-
14 gress pursuant to section 403 of the Arms Control
15 and Disarmament Act (22 U.S.C. 2593a), is not in
16 full compliance with its obligations undertaken in all
17 arms control, nonproliferation, and disarmament
18 agreements or commitments to which the United
19 States is a participating state.

20 (b) MEASURES DESCRIBED.—

21 (1) IN GENERAL.—The measures to be imposed
22 with respect to a person under subsection (a) are the
23 following:

24 (A) The President shall, pursuant to the
25 International Emergency Economic Powers Act

1 (50 U.S.C. 1701 et seq.), block and prohibit all
2 transactions in all property and interests in
3 property of the person if such property and in-
4 terests in property are in the United States,
5 come within the United States, or are or come
6 within the possession or control of a United
7 States person.

8 (B) The head of any executive agency (as
9 defined in section 133 of title 41, United States
10 Code) may not enter into, renew, or extend a
11 contract for the procurement of goods or serv-
12 ices with the person.

13 (2) REQUIREMENT TO REVISE REGULATIONS.—

14 (A) IN GENERAL.—Not later than 90 days
15 after the date of the enactment of this Act, the
16 Federal Acquisition Regulation, the Defense
17 Federal Acquisition Regulation Supplement,
18 and the Uniform Administrative Requirements,
19 Cost Principles, and Audit Requirements for
20 Federal Awards shall be revised to implement
21 paragraph (1)(B).

22 (B) CERTIFICATIONS.—The revisions to
23 the Federal Acquisition Regulation under sub-
24 paragraph (A) shall include a requirement for a
25 certification from each person that is a prospec-

1 tive contractor that the person, and any person
2 owned or controlled by the person, does not en-
3 gage in any activity described in subsection
4 (a)(1)(A)(ii).

5 (C) REMEDIES.—If the head of an execu-
6 tive agency determines that a person has sub-
7 mitted a false certification under subparagraph
8 (B) on or after the date on which the applicable
9 revision of the Federal Acquisition Regulation
10 required by this paragraph becomes effective—

11 (i) the head of that executive agency
12 shall terminate a contract with such person
13 or debar or suspend such person from eli-
14 gibility for Federal contracts for a period
15 of not less than 2 years;

16 (ii) any such debarment or suspension
17 shall be subject to the procedures that
18 apply to debarment and suspension under
19 the Federal Acquisition Regulation under
20 subpart 9.4 of part 9 of title 48, Code of
21 Federal Regulations; and

22 (iii) the Administrator of General
23 Services shall include on the List of Par-
24 ties Excluded from Federal Procurement
25 and Nonprocurement Programs maintained

1 by the Administrator under part 9 of the
2 Federal Acquisition Regulation each per-
3 son that is debarred, suspended, or pro-
4 posed for debarment or suspension by the
5 head of an executive agency on the basis of
6 a determination of a false certification
7 under subparagraph (B).

8 (3) UNITED STATES PERSON DEFINED.—In this
9 subsection, the term “United States person”
10 means—

11 (A) a natural person who is a citizen or
12 resident of the United States or a national of
13 the United States (as defined in section 101(a)
14 of the Immigration and Nationality Act (8
15 U.S.C. 1101(a)); and

16 (B) an entity that is organized under the
17 laws of the United States or any State.

18 (c) WAIVER.—

19 (1) IN GENERAL.—The President may waive
20 the application of measures on a case-by-case basis
21 under subsection (a) with respect to a person if the
22 President—

23 (A) determines that—

24 (i)(I) in the case of a person described
25 in subsection (a)(1)(A), the person did not

1 knowingly engage in any activity described
2 in such subsection; or

3 (II) in the case of a person described
4 in subsection (a)(1)(B), the person con-
5 ducted or facilitated a transaction or
6 transactions with, or provided financial
7 services to, a person described in sub-
8 section (a)(1)(A) that did not knowingly
9 engage in any activity described in such
10 subsection; and

11 (ii) the waiver is in the national secu-
12 rity interest of the United States; and

13 (B) submits to the appropriate congres-
14 sional committees a report on the determination
15 and the reasons for the determination.

16 (2) FORM OF REPORT.—The report required by
17 paragraph (1)(B) shall be submitted in unclassified
18 form, but may include a classified annex.

19 (3) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means—

22 (A) the Committee on Armed Services, the
23 Committee on Foreign Affairs, and the Perma-
24 nent Select Committee on Intelligence of the
25 House of Representatives; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Relations, and the Select
3 Committee on Intelligence of the Senate.

4 (d) TERMINATION.—The measures imposed with re-
5 spect to a person under subsection (a) shall terminate on
6 the date on which the President submits to Congress a
7 subsequent annual report pursuant to section 403 of the
8 Arms Control and Disarmament Act (22 U.S.C. 2593a)
9 that does not contain a determination of the President
10 that the country described in subsection (a)(2) with re-
11 spect to which the measures were imposed with respect
12 to the person is a country that is not in full compliance
13 with its obligations undertaken in all arms control, non-
14 proliferation, and disarmament agreements or commit-
15 ments to which the United States is a participating state.

